

REMARKS

This amendment is presented in response to the office action mailed August 10, 2005.

AMENDMENTS TO THE SPECIFICATION

The specification was amended to correct a grammatical error.

NEW CLAIMS

Claims 1-24 and 25-41 have been canceled and new claims 42-51 added. No new matter has been added, since the new claims enjoy widespread support in the originally-filed specification. Some examples of the abundant support in the original specification and drawings include Figures 4, 18-19, 23, 36-47, and pages 6, 23-24.

The rejections applied in the subject office action are moot, since they were applied to (now canceled) claims 1-24 and 25-41. As for new claims 42-51, these are patentable because the applied art does not teach the claimed features. Taking claim 42, as an example, the base reference Reams (U.S. Patent No. 5,907,593) does not teach the claimed method of operating a portable broadcast receiving and ordering apparatus to order copies of broadcast programs in real time with their broadcast. Although Reams purportedly provides for some consumer interaction with radio and television program material, Reams is particularly focused on the use of speech synthesis for customers to interact with broadcast or cable radio or television tuner means. [Reams: col. 1, line 20 – col. 3, line 14]

More specifically, Reams does not disclose “the user indicating a desire to order a copy of a song by making predetermined input at the user interface at a first time substantially concurrent with audible presentation of the song, the input being non-specific as to subject matter of the order.” Rather than “substantially concurrent with audible presentation...” as claimed, Reams is silent as to the timing of user orders. Moreover, instead of “input being non-specific as to

subject matter of the order..." as claimed, Reams uses pushbuttons to scroll through specific product/service listings, which are shown on an LCD display. [Reams: col. 18, line 38 ~ col. 19, line 30] Consequently, Reams does not show "the user indicating a desire to order a copy of a song by making predetermined input at the user interface at a first time substantially concurrent with audible presentation of the song, the input being non-specific as to subject matter of the order."

Reams further lacks "responsive to detecting the predetermined input, the apparatus utilizing the data stream to identify a song occurring in the broadcast content at a time of the predetermined input, and causing a transmitter to wirelessly send an order to purchase a copy of the identified song from a remote order fulfillment site." Rather than "utilizing the data stream to identify a song..." as claimed, Reams utilizes a response mode code along with other details such as product/service identification code, user-entered specifications as to quantity, color, price, menu items, reservation times, coupons, etc. [Reams: col. 6, lines 28-49; col. 10, line 43 ~ col. 12, line 43] Reams is said to provide a program listing functionality that "displays a plurality of products, services or program elements by one or a plurality of respective pre-assigned subject categories as text to be scrolled wherein upon selecting a subject category listing user activates telephone autodial concerning at least one listed product, service or program element." [Reams: col. 3, lines 46-59] Consequently, Reams does not disclose "responsive to detecting the predetermined input... utilizing the data stream to identify a song occurring in the broadcast content at a time of the predetermined input, and causing a transmitter to wirelessly send an order to purchase a copy of the identified song from a remote order fulfillment site."

In view of the foregoing, claim 42 is patentably distinguished from Reams. Likewise, for these and other reasons, the remaining claims are also patentable over Reams.

As for the remaining references of record, none of these references provide the features missing from Reams. For example, the office action introduced Borrás (U.S. Patent No. 4,843,385) as purportedly showing

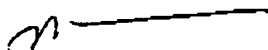
"initializing and pushing an owner identifying button sequence." [Office Action: page 5] The office action introduced Dunn (U.S. Patent No. 6,078,807) as purportedly showing "speaking or initializing a spoken owner identity signature sequence." [Office Action: page 4] The office action introduced Maes (WO 99/08238) merely to show a "biometric sensor... in order to complete a transaction." [Office Action: page 7] Schmitt was introduced to show a "fingerprint scanner used by a portable radio communications device that is able to identify the owner." [Office Action: page 8]

CONCLUSION

In view of the foregoing, all pending claims in the application are patentable over the applied art. Favorable reconsideration and allowance of the application are hereby requested.

Applicant does not believe that filing of this Amendment will incur additional fees. However, the Commissioner is authorized to charge any fees due to the Glenn Patent Group Deposit Account No. 07-1445, Customer No. 22862. Applicant considers this document to be filed in a timely manner.

Respectfully Submitted,



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